

Assembly Bill No. 2280

CHAPTER 822

An act to add Section 123327 to the Health and Safety Code, relating to public social services.

[Approved by Governor September 30, 2012. Filed with
Secretary of State September 30, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2280, Lara. California Special Supplemental Food Program for Women, Infants, and Children.

Existing law, the California Special Supplemental Food Program for Women, Infants, and Children (WIC Program), administered by the State Department of Public Health, provides for the issuance of nutrition coupons, as defined, to certain low-income women, infants, and children who have been determined to be at nutritional risk. The WIC Program, which implements a program authorized under existing federal law, provides for the redemption of nutrition coupons by recipients at any authorized retail food vendor. Existing law provides that a vendor or any person who, among other things, knowingly redeems coupons in excess of the price charged other customers is subject to specified sanctions.

This bill would require the department, within 30 days after the department has completed its first investigation, to provide written notice, as prescribed, to a vendor if the department determines that the vendor has committed an initial violation for which a pattern of the violation must be established to impose a sanction. This bill would require the notice to be delivered to the vendor 30 days before the department conducts a 2nd investigation for purposes of establishing a pattern of the violation. The bill would state that it is the intent of the Legislature in enacting these provisions to clarify existing law.

The people of the State of California do enact as follows:

SECTION 1. Section 123327 is added to the Health and Safety Code, to read:

123327. (a) The department shall provide written notice to a retail food vendor if the department determines that the vendor has committed an initial violation for which a pattern of the violation must be established to impose a sanction. Notice shall be provided no later than 30 days after the department determines the first investigation that identified the violation is complete.

(b) The written notice shall be delivered to the vendor 30 days before the department conducts a second investigation for purposes of establishing a pattern of the violation to the vendor's most recent business ownership address on file with the department or to the vendor location upon identification of a violation during the vendor monitoring, as defined by Section 40743 of Title 22 of the California Code of Regulations.

(c) The written notice shall include a description of the initial violation and may include information to assist the vendor to take corrective action, including, but not limited to, a 60-day window that includes the date of the violation.

(d) For purposes of this section, "violation" means a violation set forth in Section 246.2 of Title 7 of the Code of Federal Regulations.

(e) It is the intent of the Legislature in enacting this section to clarify existing law.